

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**Bright Data Ltd.,**

**Plaintiff,**

**v.**

**Teso LT, UAB, Oxysales, UAB, and  
Metacluster LT, UAB,**

**Defendants.**

**Civil Action No.  
2:19-cv-00395-JRG**

**AGREED MOTION TO CONTINUE TRIAL SETTING**

Plaintiff Bright Data Ltd. (“Bright Data”) and Defendants Teso LT, UAB, Oxysales, UAB and Metacluster LT, UAB (collectively, “Oxylabs”) file this Agreed Motion to Continue Trial Setting (the “Motion”) and respectfully request that the Court continue the September 13, 2021 jury selection date and trial setting to the earliest convenient date for the Court following the Jewish holiday of Yom Kippur.

Currently, this case is set for a one-week jury trial beginning with jury selection on September 13, 2021. The Jewish holiday of Yom Kippur begins at sundown September 15 and concludes at sundown September 16, 2021. As such, Oxylabs’ trial counsel, Mr. Leventhal, and its invalidity expert witness, Dr. Freedman, will be unable to attend trial during that period as Jewish tradition, which both Mr. Leventhal and Dr. Freedman observe, require attendance at religious services and refraining from all work activities.<sup>1</sup> Certain of Bright Data’s witnesses, many of whom are citizens of Israel, also observe the holiday. For these reasons, the parties respectfully

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<sup>1</sup> See <https://www.pbs.org/newshour/nation/cheat-sheet-yom-kippur>.

request that the Court continue the trial setting to the earliest convenient date for the Court following October 22, 2021.

Trial counsel for Bright Data, including Mr. Cherian and Mr. Harkins, have another previously set federal trial for two weeks starting on September 27, 2021.<sup>2</sup> Oxylabs' trial counsel Mr. Govett has a previously set federal trial<sup>3</sup> the week of October 11 and Oxylabs' damages expert is unavailable from October 11 to October 22 due to his wedding and honeymoon.

If possible, the parties respectfully request that the pretrial conference date be maintained to aid with trial preparation. The parties have filed five motions for summary judgment, five *Daubert* motions, and other pretrial motions such as motions *in limine*. The Court's rulings on such motions will assist the parties with their respective trial preparations.

Given the foregoing, the parties respectfully request that the Court continue the September 13, 2021 jury selection date and trial setting to the earliest convenient date for the Court after October 22, 2021.

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<sup>2</sup> *The Coleman Co., Inc. v. Team Worldwide Corp.*, 2:20-cv-351-RGD-RJK (E.D. Va), ECF No. 26.

<sup>3</sup> *SPS Techs., LLC v. Briles Aerospace, Inc.*, 2:18-cv-09536-MWF-AS (C.D. Cal), ECF No. 792.

Dated: August 6, 2021

Respectfully submitted,

s/Robert Harkins

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Dated: August 6, 2021

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*Counsel for Defendants Teso LT, UAB,  
Oxysales, UAB, and Metacluster LT, UAB*

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that, on August 2, 2021 and August 6, 2021, he met and conferred by telephone with counsel for Bright Data, Robert Harkins, Esq., and Bright Data has agreed to the relief requested in the foregoing motion.

s/Steven Callahan  
STEVEN CALLAHAN

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on August 6, 2021. As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

s/Steven Callahan  
STEVEN CALLAHAN